

Applicants: Boles et al.
Ser. No.: Continuation of 09/336,609
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Cont'd
stopped by the addition of 1M Na phosphate (pH 7.2) and the fluorescent signal was scanned on a Molecular Dynamics Fluorimager 595 (*see Figure 7*). All nine of the listed bacterial species were detected with this probe set.

IN THE CLAIMS:

Please cancel claims 6, 7, 9, 13-18, 21-23, 25, 27, 28, 31-39, 41 and 45-49 without prejudice.

Please amend claim 19 to recite:

~~19. (Amended) The method of claim 1, wherein the nucleic acid probe has a nucleotide sequence selected from the group consisting of: GCTGCTTCCTCCGGACCTGAC (SEQ ID NO:2); GCTGCTTCCTCCGGACCTGA (SEQ ID NO:3); GGCACACCGCGTCATCTGC (SEQ ID NO:9); GCTGCTTCCTTC (SEQ ID NO:4); GCTGCTTCCTCCGGACCTGAGTGAATACGTTCCCAGGCT (SEQ ID NO:7); GCTGCTTCCTCCGGACCTGACAAAAACGATAAACCAACCA (SEQ ID NO:8); GCTGCTTCCTCCGGACCTGACCTGGTAAA (SEQ ID NO:11); GCTGCTTCCTCCG (SEQ ID NO:5); GACCTGACCTGGTA (SEQ ID NO:6); GCTGCTTCCTCCGTC (SEQ ID NO: 21); CGGACCTGACCTG (SEQ ID NO:22); AGGACCUGACAUG (SEQ ID NO:23); CGGACCUGACCAG (SEQ ID NO:24); CGGACCUGACAAG (SEQ ID NO:25); and CGGAUCUGACACG (SEQ ID NO:26).~~

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Please amend claim 35 to recite

~~35. (Amended) The method of claim 20, wherein the gel-immobilized nucleic acid probe has the nucleotide sequence selected from the group consisting of: GCTGCTTCCTCCGGACCTGAC (SEQ ID NO:2); GCTGCTTCCTCCGGACCTGA (SEQ ID NO:3); GGCACACCGCGTCATCTGC (SEQ ID NO:9); GCTGCTTCCTTC (SEQ ID NO: 4); GCTGCTTCCTCCGGACCTGACCTGGTAAA (SEQ ID NO:11); GCTGCTTCCTCCG (SEQ ID NO:5); GACCTGACCTGGTA (SEQ ID NO:6); GCTGCTTCCTCCGTC (SEQ ID NO:21); CGGACCTGACCTG (SEQ ID NO:22); AGGACCUGACAUG (SEQ ID NO:23); CGGACCUGACCAG (SEQ ID NO:24); CGGACCUGACAAG (SEQ ID NO:25); and CGGAUCUGACACG (SEQ ID NO:26).~~

REMARKS

After entry of this Preliminary Amendment, claims 1-5, 8, 10-12, 19, 20, 24, 26, 29, 30, 40, 42-44 and 50 are pending in the Application. Applicants have canceled claims 6, 7, 9, 13-18, 21-23, 25, 27, 28, 31-39, 41 and 45-49 without prejudice and without any intention to abandon

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the subject matter as filed, but with the intention that claims of the same, greater, or lesser scope may be pursued in this or a continuing application. Applicants respectfully submit that no new matter is introduced by the amendment. The Specification is herein amended to recite related applications and to incorporate the sequence listing and appropriate sequence identifiers. Applicants respectfully submit that the aforementioned amendments introduce no new matter.

CONCLUSIONS

Applicants respectfully request entry of this amendment prior to examination of the application on the merits. The Examiner is invited to telephone Applicants' undersigned representative to discuss any outstanding issues.

Applicants believe that no fees are due with this submission. However, the Director is hereby authorized to charge any fees that may be due to deposit account No. 20-0531.

Respectfully submitted,



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